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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,001	09/24/2003	Kenneth James Park	SLA.1277	6228

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EXAMINER	
JACKSON, BLANE J	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,001	PARK ET AL.	
	Examiner	Art Unit	
	Blane J. Jackson	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims with respect to the 35 USC § 112 rejection filed in the Non Final Rejection on 11 July 2007 have been completely resolved. In view of the amended claims, Muramatsu is introduced in the following rejection to teach a code reading cellular telephone with an imaging (camera) unit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Muramatsu et al. (US 2004/0014490).

As to claims 1 and 17, Muramatsu teaches a method of transferring data to a mobile communication device, having data storage locations therein, wherein the mobile

communication device includes a camera (figures 2 and 8, cellular telephone comprising code reading apparatus), the method comprising:

Converting data to be transferred to the mobile communications device into one or more graphic representations readable by the camera of the mobile communication device (paragraphs 0005-0006, rendering cellular phone ring tone data and other data into a two-dimensional code that is then printed and read by a camera (7)),

Reading the one or more graphic representations with the camera of the mobile communication device to capture an image of each graphic representation (figures 5-8, paragraphs 0025 and 0029-0032, the device in barcode mode reads the printed barcode presented to the device camera),

Determining, for each graphic representation read, whether the graphic representation is successfully captured and, if not, performing the reading step again until the capture is successful (paragraph 0032, it is determined whether the reading has been successful),

Decoding in the mobile communication device, the one or more graphic representations captured by the camera, using an interpretation algorithm which converts the one or more graphic representations into data for storage in the mobile communication device (paragraph 0035), and

Storing the data in data storage locations in the mobile communication device (paragraphs 0035-0037, the ring tone data and other data in the recorded two-dimensional code can be separated and stored).

As to claim 4 with respect to claim 1, Muramatsu teaches the step of reading the one or more graphic representations further includes when reading each of the one or more graphic representations, determining whether the graphic representation is successfully captured and if the graphic representation is not successfully captured, reading the graphic representation until capture is successful (figure 8, step S39 Reading Successful?, paragraph 0032).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu et al. (US 2004/0014490) in view of Hayes, Jr. et al. (US 5,974,312).

As to claims 5, 18 with respect to claims 1 and 17 and claim 20, Muramatsu teaches a method of transferring data to a mobile communication device, wherein the mobile communication device has data storage locations therein, a camera, and a control process for decoding graphics therein in accordance with an algorithm (figures 2 and 8, cellular telephone comprising a code reading apparatus), the method comprising:

Converting data to be transferred to the mobile communications device into one or more graphic representations readable by the camera of the mobile communication

device (paragraphs 0005-0006, rendering cellular phone ring tone data and other data into a two-dimensional code that is then printed and read by camera (7)),

Reading the one or more graphic representations with the camera representation (figures 5-8, paragraphs 0025 and 0029-0032, the device in barcode mode reads the printed barcode presented to the device camera),

Decoding, in the mobile communication device, the one or more graphic representations read by the camera, using the algorithm to convert the one or more graphic representations into data for storage in the mobile communication device (paragraph 0035), and

Storing the data in data storage locations in the mobile communication device (paragraphs 0035-0037, the ring tone data and other data in the recorded two-dimensional code can be separated, displayed or played and stored).

Muramatsu does not teach converting data to be transferred to the mobile communications unit at the time of manufacture as the factory default setting.

Hayes teaches a wireless programmer for updating the programmed memory in an electronic device, a cellular telephone, via a wireless data transfer, column 3, line 65 to column 4, line 19. Hayes further teaches the reprogramming the memories of the devices can occur after the devices have been manufactured and packaged but prior shipment from the factory if the stored program code contains errors or an incorrect operational parameter that needs to be changed, column 4, line 57 to column 5, line 14.

Since Hayes teaches a wireless programmer comprises a bar code reader with an alternative short range RF communication protocol, infrared channel or magnetic

coupling to support reprogramming of the devices, column 2, lines 36-51 and column 4, lines 4-23, it would have been obvious to one of ordinary skill in the art at the time of the invention to realize the code reading method of Muramatsu could occur at the factory as taught by Hayes to correct operational parameters before shipment to the point of sale.

As to claims 6 and 19 with respect to claims 1 and 17, Muramatsu does not teaches the data to be transferred is the preferred roaming list data.

Hayes teaches a wireless programmer that reprograms the device with changes to the stored program code or an operational parameter such as the preferred roaming list data at the factory, column 4, line 57 to column 5, line 14.

Since Hayes teaches a wireless programmer comprises a bar code reader with an alternative short range RF communication protocol, infrared channel or magnetic coupling to support reprogramming of the devices, column 2, lines 36-51 and column 4, lines 4-23, it would have been obvious to one of ordinary skill in the art at the time of the invention to realize the code reading method of Muramatsu could occur at the factory as taught by Hayes to correct operational parameters before shipment to the point of sale.

Conclusion

Reference the attached PTO-892 form for additional prior art made of record and not relied upon but considered pertinent to applicant's disclosure.

The examiner notes the Patent Application Publication Andreasson (US 2005/0282531) teaches the applicant's invention but is pre-dated by the applicant's filing date.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.